

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN IRVING,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO.,

Defendant.

CIVIL ACTION
NO. 17-1124

ORDER

AND NOW, this 29th day of January 2018, upon consideration of Plaintiff's Amended Complaint (Doc. No. 12), Defendant's Motion to Dismiss Plaintiff's Allegations of Bad Faith from Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim (Doc. No. 13), Plaintiff's Response (Doc. No. 14), Defendant's Reply (Doc. No. 15), and in accordance with the Court's Opinion issued this day, it is **ORDERED** that:

1. Defendant's Motion to Dismiss Plaintiff's Allegations of Bad Faith from the Complaint pursuant to Rule 12(b)(6) (Doc. No. 5) (Count II) is **DENIED**;
2. Defendant has twenty-one (21) days from the date of this Order in which to file an Answer to the Amended Complaint.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.